

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application
HUSEN, ET AL.

Filed: July 19, 2004

Serial No.: 10/710,526

For: METHOD FOR SIMULATION
MODELING OF WELL FRACTURING

[illegible]

Art Unit: 2182

Examiner: PLANTE, JONATHAN R.

Attorney Docket No.: 56.0753

REQUEST FOR RECONSIDERATION TO WITHDRAW FINAL REJECTION

Commissioner for Patents
U.S. Patent and Trademark Office
Washington, DC 20231

Dear Sir:

This communication is in response to an Office Action dated November 29, 2007.

In the Office Action dated June 25, 2007, the Examiner rejected claims 1-11 as being anticipated by U.S. Patent No. 6,662,109 to Ruggero. The Examiner required amendments to claims 1, 3, and 9 to overcome formalities. Applicants responded to the Office Action by amending claims 1, 3, and 9 as required by the Examiner. Applicants further amended claim 8 and added new claims 12-18.

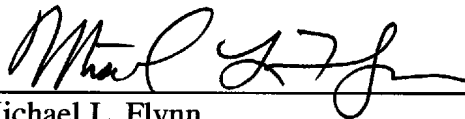
The Examiner, in the Office Action dated November 29, 2007, subsequently rejected claims 1-14 and 16-18 under 35 USC § 103(a) as being unpatentable over Ruggero in view of U.S. Patent Application No.2003/0205375 to Wright et al. The Examiner also rejected claim 15 under 35 USC § 103(a) as being unpatentable over Ruggero in view of Wright and further in view of U.S. Patent Application No. 2003/0139916 to Choe et al. Neither the Wright nor the Choe were of record in the case prior to the Office Action dated November 29, 2007.

The Examiner, therefore, introduced a new ground of rejection that was not necessitated by Applicants' amendments, particularly with respect to claims 1-7 and 9-11 as these claims are either original or amended as required by the Examiner. Nor was the rejection based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). (See MPEP § 706.07(a)).

Applicants, therefore, submit the final rejection is improper and respectfully request reconsideration and the withdrawal of the final rejection.

If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-4367. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 04-1579 (56.0753).

Respectfully submitted,



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Date: Jan. 18, 2007

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